

IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA

WILLIAM CLARK,

PLAINTIFF,

VS.

MARTIN HORN, SECRETARY,  
PENNSYLVANIA DEPARTMENT OF  
CORRECTIONS; ROBERT MEYERS,  
SUPERINTENDENT, STATE CORRECTIONAL  
INSTITUTION AT ROCKVIEW;  
WEXFORD HEALTH SOURCES,  
INC., HEALTH CARE PROVIDER AT  
THE STATE CORRECTIONAL INSTITUTION  
AT ROCKVIEW; JOHN SYMONS,  
M.D., MEDICAL DIRECTOR, STATE  
CORRECTIONAL INSTITUTION AT  
ROCKVIEW; LARRY LIDGETT,  
HEALTH CARE ADMINISTRATOR,  
STATE CORRECTIONAL INSTITUTION AT  
ROCKVIEW,

DEFENDANTS

NO. 1:CV-01-0764

(JUDGE CALDWELL)

ORIGINAL

FILED  
HARRISBURG, PA

JUN 05 2002

MARY E. D'ANDREA, CLERK  
Per SFE  
Deputy Clerk

PLAINTIFF'S MOTION TO COMPEL DISCOVERY  
FOR PRODUCTION OF CORRECTIONS DEFENDANT'S DOCUMENTS

NOW, COMES THE PLAINTIFF, WILLIAM CLARK, PRO SE, AND HEREBY FILES THIS MOTION TO COMPEL DEFENDANTS' TO PRODUCE DOCUMENTS LISTED IN THIS "MOTION TO COMPEL DISCOVERY" AND SUPPORTING BRIEF TO FOLLOW UNDER SEPARATE COVER.

"CORRECTIONS DEFENDANTS" NAMED, MARTIN HORN, ROBERT MEYERS, AND LARRY LIDGETT, BY AND THROUGH THEIR ATTORNEY, JOHN J. TALABER, ASSISTANT COUNSEL FOR THE DEPARTMENT OF CORRECTIONS.

DOCUMENTS TO INCLUDE, IN THE WORD "DOCUMENTS" AS HEREIN USED, INCLUDES BUT NOT LIMITED TO, DRAWINGS, REPORTS, STATEMENTS AND MEMORANDA, AS WELL AS OTHER DOCUMENTS AS DEFINED IN RULES, PERTAINING TO PLAINTIFF IN HIS INCARCERATION PERIODS, SINCE NOVEMBER 1984, AND ANY AND ALL DOCUMENTS OF PROCESS USED IN PLAINTIFFS SAID "HEALTH CARE."

PLAINTIFF PRESENTS TO THIS HONORABLE COURT:

ON JANUARY 2, 2002, PLAINTIFF SERVED "CORRECTIONS DEFENDANTS" WITH A REQUEST FOR "PRODUCTION OF DOCUMENTS".

ON FEBRUARY 4, 2002, "CORRECTIONS DEFENDANTS" SOUGHT AN ENLARGEMENT OF TIME TO RESPOND TO PLAINTIFF'S AFOREMENTIONED DISCOVERY REQUESTS. (SEE MOTION FOR ENLARGEMENT OF TIME (DOC. #15)).

THE COURT, BY ORDER DATED FEBRUARY 8, 2002, GRANTED THE CORRECTIONS DEFENDANTS' MOTION DIRECTING THEM TO RESPOND TO PLAINTIFFS DISCOVERY REQUESTS ON OR BEFORE MARCH 21, 2002. (DOC. #16).

ON MARCH 21, 2002, CORRECTIONS DEFENDANTS SERVED PLAINTIFF WITH A RESPONSE TO HIS REQUEST FOR PRODUCTION OF DOCUMENTS.

ON MARCH 25, 2002, THE CORRECTIONS DEFENDANTS FILED A MOTION FOR SUMMARY JUDGMENT AND A MOTION FOR A PROTECTIVE ORDER WITH RESPECT TO PLAINTIFFS WRITTEN DISCOVERY REQUESTS.

BY MEMORANDUM AND ORDER DATED MAY 20, 2002, THIS HONORABLE COURT DENIED THE CORRECTIONS DEFENDANTS' MOTION FOR A PROTECTIVE ORDER AND DIRECTED DEFENDANTS HORN AND LIDGETT TO RESPOND TO PLAINTIFF'S INTERROGATORIES WITHIN FORTY-FIVE (45) DAYS.

THIS HONORABLE COURT IN ORDER, HAS ALSO AFFORDED PLAINTIFF THIRTY (30) DAYS FROM RECEIPT OF DEFENDANTS' DISCOVERY RESPONSES TO FILE AN APPROPRIATE RESPONSE TO CORRECTIONS DEFENDANTS MOTION FOR SUMMARY JUDGMENT.

NOW, PLAINTIFF REQUESTS THIS HONORABLE COURT TO COMPEL CORRECTIONS DEFENDANTS PRODUCE FOR DISCOVERY: -

ANY AND ALL DOCUMENTS NOT PRODUCED AND IN PLAINTIFF'S POSSESSION.  
PARTICULARLY: -

1. EACH AND EVERY COPY OF REQUESTS SLIPS (MEANING "SICK CALL SLIPS" OR "REQUESTS TO MEDICAL") AND ANY AND ALL RESPONSES TO SAME FROM PRISON OR MEDICAL DEPARTMENT PERSONAL RELATING TO PLAINTIFF'S QUESTIONS OR REQUESTS PERTAINING TO HIS HEPATITIS C.

2. PROVIDE COPIES OF ALL PRIOR DRAFT CRITERIA ESTABLISHED BY THE COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF CORRECTIONS AND/OR WEXFORD HEALTH SOURCES, INC., AND STATE WHETHER OR NOT THEY WERE EVER APPROVED, PUT INTO FORCE, OR USED TO MAKE ANY DETERMINATION FOR TREATMENT OF INDIVIDUALS WITH HEPATITIS C. FROM 1985 - PRESENT AT S.C.I. GRATERFORD AND S.C.I. ROCKVIEW.

3. STATE THE DATE EACH SUCH DRAFT CRITERIA WAS COMPLETED, AND THE NAMES OF ANY AND ALL INDIVIDUALS WHO WORKED ON, ASSISTED, OR IN ANY WAY, SHAPE, OR FORM CONTRIBUTED TO THE CREATION OF SAID GUIDELINES DRAFTS.

4. PROVIDE A COPY OF THE CURRENT HEPATITIS C TREATMENT PROTOCOL, AND PROVIDE THE DATE IT WAS IMPLEMENTED, INCLUDING ANY COPIES OF REVISIONS, THE DATES OF EACH REVISION, THE NAMES OF ANY AND ALL INDIVIDUALS WHO WORKED ON, ASSISTED, OR IN ANY WAY, SHAPE, OR FORM CONTRIBUTED TO THE CREATION OF SAID PROTOCOL(S).

5. PROVIDE A COPY OF EACH AND EVERY EVALUATION FOR ELIGIBILITY FOR INTERFERON/RIBAVIRIN TREATMENT PROTOCOL WHICH WAS PERFORMED ON PLAINTIFF WITH REGARDS TO HIS HEPATITIS C.

6. PROVIDE A COPY OF PLAINTIFF'S COMPLETE MEDICAL RECORD.

PLAINTIFF IS DISADVANTAGED AND THESE DOCUMENTS ARE NEEDED IN CONCERT WITH THE INTEROGATORIES AND A PROPER PROCESS ACCORDING TO THIS COURTS STANDARDS WILL HELP PLAINTIFF TO PROCEED IN AN UNHAMPERED MANNER AS BEST AS PLAINTIFF IS QUALIFIED TO PROCEED IN HIS CAPACITY.

THIS HONORABLE COURT HAS JURISDICTION TO ENJOIN THE CORRECTIONS DEFENDANTS' FROM WITHHOLDING ANY "DOCUMENTS" AND TO ORDER THE PRODUCTION OF ANY "DOCUMENTS" WHICH ARE IMPROPERLY WITHHELD FROM PLAINTIFF.

OR IN THE ALTERNATIVE THIS HONORABLE COURT IS EMPOWERED TO INVOKE ITS JURISDICTION FOR THE PRODUCTION OF SUCH "DOCUMENTS" AND IN SUCH CASE THE COURT SHALL DETERMINE THE MATTER DE NOVO, AND MAY EXAMINE THE CONTENTS OF SUCH DOCUMENTS IN CAMERA TO DETERMINE WHETHER SUCH DOCUMENTS OR ANY PART SHALL BE WITHHELD FROM PLAINTIFF.

WHEREFORE PLAINTIFF PRAYS, ACCORDING TO FEDERAL RULES OF CIVIL PROCEDURES, RULE # 37, AND THE AFOREMENTIONED REASONS, AND BRIEF IN SUPPORT OF MOTION TO COMPEL, THIS HONORABLE COURT GRANTS PLAINTIFF'S "MOTION TO COMPEL DISCOVERY OF DOCUMENTS" AND ORDERS CORRECTIONS DEFENDANTS TO PRODUCE THE COMPLETE DISCOVERY DOCUMENTS REQUESTED TO PLAINTIFF OR THIS HONORABLE COURT WITHIN 30 DAYS OF THIS FILING.

DATE: JUNE 2, 2002

RESPECTFULLY SUBMITTED;



WILLIAM CLARK, PRO SE

CERTIFICATE OF SERVICE

I, WILLIAM CLARK, CERTIFY I HAVE THIS DAY SERVED UPON THE BELOW INDICATED PERSON(S) "PLAINTIFF'S MOTION TO COMPEL DISCOVERY FOR PRODUCTION OF CORRECTIONS DEFENDANTS' DOCUMENTS", BY PLACING SAME IN THE UNITED STATES MAIL, POSTAGE PREPAID, ADDRESSED AS FOLLOWS:

JAMES D. YOUNG, ESQ.  
301 MARKET STREET, SUITE 800  
P.O. BOX 1245  
HARRISBURG, PA. 17108-1245

JOHN J. TALABER, ESQ.  
OFFICE OF CHIEF COUNSEL  
55 UTLEY DRIVE  
CAMP HILL, PA. 17011

DATE: JUNE 2, 2002

RESPECTFULLY SUBMITTED:

A handwritten signature in cursive script, appearing to read "William Clark", written over a horizontal line.

WILLIAM CLARK, PRO SE  
BOX A, AY-5585  
BELLEFONTE, PA. 16823